

Notice
of Rulemaking Hearing

Department of Environment and Conservation
Division of Underground Storage Tanks

The Tennessee Petroleum Underground Storage Tank Board will hold a public hearing to receive comments concerning amendments to the Rules of the Department of Environment and Conservation Division of Underground Storage Tanks Chapter 1200-1-15 Underground Storage Tank program pursuant to T.C.A. § 68-215-113. These hearings will be conducted as prescribed by the Uniform Administrative Procedures Act T.C.A. § 4-5-201 et. seq.

This hearing will take place in the Conference Room E in the Memphis Field Office Perimeter Park, 2510 Mt. Moriah, Memphis, Tennessee at 9:30 A.M. CST on Friday, October 19, 2007.

Written comments will be considered if received by close of business, November 19, 2007 at the office of the Technical Secretary, Tennessee Petroleum Underground Storage Tank Board, 4th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1531.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to the date of the hearing or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation Kim McCrary, ADA Coordinator, 12th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-0437, 615-532-0211.

For complete copies of the text of the notice, please contact Donna Washburn, Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks, 4th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1531, 615-532-0987. Copies may also be obtained at the Environmental Assistance Centers for the Department of Environment and Conservation, which can be reached by calling 1-888-891-TDEC(8332). The notice and copies of the proposed rules are posted on the web site for the Division of Underground Storage Tanks, <http://www.state.tn.us/environment/ust>.

Substance of Proposed Rules

Paragraph (2) of rule 1200-1-15-.04 Release Detection is amended by deleting Part 1 of subparagraph (a) in its entirety and by inserting the following new Part 1:

1. UST systems that meet the performance standards in rule 1200-1-15-.02, and the manual tank gauging requirements in subparagraph (3)(b) of this rule, may use tank tightness testing (conducted in accordance with subparagraph (3)(c) of this rule) at least every five (5) years until ten (10) years after the tank was installed or upgraded in compliance with the performance standards in rule 1200-1-15-.02. UST systems installed before July 24, 2007 that meet the performance standards in rule 1200-1-15-.02, and the monthly inventory control requirements in subparagraphs (3)(a) of this rule, may use tank tightness testing (conducted in accordance with subparagraph (3)(c) of this rule), until December 31, 2008. However, tanks which were over ten (10) years old when the Cathodic protection system was added in accordance with rule 1200-01-15-.02 (4)(a)2.(v)(III) shall use a monthly monitoring

method of release detection in accordance with subparagraphs (3)(d) through (i) of this rule.

Subparagraph (a) is further amended by adding a new part 3. that shall read as follows:

3. On or after January 1, 2009, the monitoring methods in part (3)(d)1 of this rule, subparagraphs (3)(e) and (f) of this rule, and parts (3)(g)2 and 3 of this rule shall no longer meet the requirements of this rule.

Paragraph (4) of rule 1200-1-15-.04 Release Detection is amended by deleting subparagraph (c) in its entirety and by inserting the following new subparagraph (c):

- (c) Applicable tank methods. Any of the methods in subparagraphs (3)(e) through (i) of this rule may be used if they are designed to detect a release from any portion of the underground piping that routinely contains petroleum, except that the methods in subparagraphs (3)(e) and (f) and in part 2 of subparagraph (3)(g) of this rule shall not satisfy the requirements of this rule on or after January 1, 2009.

Authority: *T.C.A. § 4-5-201 et seq; T.C.A. § 68-215-101 et seq.; T.C.A. § 68-215-107.*

Paragraph (5) of rule 1200-1-15-.07 Out of Service UST Systems and Closure is amended by deleting subparagraph (a) in its entirety and by inserting the following new subparagraph (a):

- (a) Before permanent closure of a tank or a tank compartment or a change-in service is completed, owners and/or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. Sampling shall meet the following requirements:

Authority: *T.C.A. §4-5-201 et seq; T.C.A. § 68-215-101 et seq.; T.C.A. § 68-215-107.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 31st day of August, 2007. (FS 08-34-07; DBID 719)